

Appl. No. 09/998,193
Amendment dated March 10, 2006
Response to Office Action of December 13, 2005

Remarks:

Claims 1-34 are pending in this application.

The Applicant appreciates that the Examiner has indicated that claims 5, 6, 8-10, 15-17, and 34 are objected to as being dependent upon a rejected base claim but allowable if rewritten to incorporate the limitations of the base claim and any intervening claims.

The Examiner has rejected claims 1-4, 7, 11-14, 18, 19 and 21-33 as being anticipated by US Patent no. 6,192,026 to Pollack et al. (hereinafter, "Pollack"). The Applicant respectfully disagrees.

Claim 1 has been amended to reinforce that the claimed receiving and transmitting elements are performed at the same device. Pollack discloses that an access point can receive a first access request burst from a first data communication device while, concurrently, a second access request is transmitted from a second data communication device. That is, the receiving and transmitting in Pollack, which have been equated, by the Examiner, to the claimed receiving and transmitting, are performed at separate devices. That is, while the access point is receiving, the second data communication device is transmitting. Neither the access point nor the data communication devices in Pollack transmit concurrent with receiving. For example, see col. 7, lines 19-34, wherein an exemplary Air Interface Frame is disclosed. The time divisions of the Air Interface Frame 400 (FIG. 4B) clearly indicate a temporal separation between access point downlink operations (402, 406) and access point uplink operations (404).

Since Pollack does not suggest or disclose transmitting concurrent with receiving at the same device, as required by claim 1 as amended, it is submitted that Pollack cannot anticipate claim 1, or claims 2-29 dependent thereon. The Applicant respectfully requests that the Examiner's rejection of claims 1-4, 7, 11-14, 18, 19 and 21-29 on that basis be withdrawn.

The Examiner has rejected claim 20 as obvious in view of Pollack.

In order to establish that any claim is obvious the Examiner must identify 1) all of

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the claimed elements in the prior art; 2) a reason or motivation to modify or combine these elements to arrive at the claimed invention; and 3) a reasonably likelihood of success (See M.P.E.P. 2141). It is submitted that the Examiner has failed to establish at least the first of these conditions.

Claim 20 is dependent upon claim 19, which is dependent upon claim 18, which is dependent upon claim 1. As has been discussed above, it is submitted that Pollack does not disclose all the elements of claims 1, 18 or 19. Furthermore, the Examiner has failed to identify, in the prior art, the basing of spreading codes on Walsh functions.

It is submitted that all the elements claimed in claim 20 are not found in Pollack or common general knowledge or a combination of Pollack and common general knowledge. Withdrawal of the rejection of claim 20 is therefore respectfully requested.

Claims 30 and 31 relate to an apparatus including a receiver and a transmitter to carry out the method of claim 1. The Examiner has indicated that claims 30 and 31 are rejected as anticipated by the system disclosed in FIG. 3 of Pollack, which includes a receiver side of modem at the access point and a transmitter side of modem at one of the data communication devices. It is submitted that, by the Examiner's own admission, the receiver and transmitter are elements of distinct apparatus rather than being part of a single apparatus, as claimed.

Since Pollack does not suggest or disclose a single apparatus with a receiver and a transmitter for transmitting concurrent with receiving at the receiver, as required by claims 30 and 31, it is submitted that Pollack cannot anticipate claim 30 or claim 31. The Applicant respectfully requests that the Examiner's rejection of claims 30 and 31 on that basis be withdrawn.

The Examiner has rejected claims 32 and 33 as anticipated by the system disclosed in FIG. 3 of Pollack. The elements of claim 32 include a base station and a mobile terminal, each of which include a transmitter and an associated receiver, where the transmitter is adapted to transmit, concurrent with receiving at the associated receiver, a signal substantially orthogonal to the signal being received at the associated receiver. In particular, it is submitted

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that Pollack does not suggest or disclose a mobile terminal as claimed in claim 32. In particular, the data communication devices of Pollack receive transmissions (SYNC burst 402, P&A burst 406) from the access point as a broadcast (see col. 7, line 31). Pollack does not appear to disclose that the signals received at a data communication device from the access point are substantially orthogonal to the signals transmitted from the data communication device.

Since Pollack does not suggest or disclose a mobile terminal with a receiver and transmitter adapted as required by claim 32, it is submitted that Pollack cannot anticipate claim 32, or claim 33 dependent thereon. The Applicant respectfully requests that the Examiner's rejection of claims 32 and 33 on that basis be withdrawn.

No new matter has been added by way of these amendments.

In view of the foregoing, early favorable consideration of the application is earnestly solicited.

Respectfully submitted,



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